

### **REMARKS**

This paper responds to the Office Action mailed on July 28, 2005, and the Advisory Action mailed October 12, 2005. Claims 6, 12 and 16 have been amended; claims 13, 32 and 35 are cancelled such that claims 6-12, 14-16, 29-31, 33-34 and 36 are now pending in this application.

#### *Interview Summary*

Applicant thanks Examiner Roane for his courtesy during the telephone interview held on October 26, 2005 with Applicant's representative, Andrew R. Peret. Examiner Roane discussed the amended claims and cited references with Applicant's attorney. Examiner Roane indicated that the amended claims may overcome the cited references but indicated that further searching and reconsideration would be required.

Reconsideration and allowance of claims 6-12, 14-16, 29-31, 33-34 and 36 are respectfully requested.

#### *§103 Rejection of the Claims*

Claims 6-16 and 29-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sabin (US 6,099,555) in view of Avery (US 5,486,206). As discussed during the interview, Sabin and/or Avery do not appear to disclose "a membrane segregating said liquid from said solute" in combination with "said absorbent core retains said endothermic solution within said enclosure . . . , said membrane segregating said absorbent core from said solute" as recited in claims 6 and 12.

Reconsideration and allowance of claims 6-12, 14-16, 29-31, 33-34 and 36 are respectfully requested.

#### *Reservation of Right to File Continuation or Divisional Applications*

Applicant respectfully traverses the rejection listed above and reserves the right to reintroduce any claims their original form in one or more continuation or divisional applications at a later date.

Reservation of Right to Swear Behind References

Applicant reserves the right to swear behind any references which are cited in a rejection under 35 U.S.C. §§102(a), 102(e), 103/102(a), and 103/102(e). Statements distinguishing the claimed subject matter over the cited references are not to be interpreted as admissions that the references are prior art.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (262) 646-7009 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

RICKY W. PURCELL ET AL.

By their Representatives,

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Date 10/26/05

By Andrew R. Peret  
Andrew R. Peret  
Reg. No. 41,246

**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop RCE, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 26 day of October, 2005.

CANDIS BUENDING

Name

Signature

Candis Buending